

**NEWPORT BEACH ZONING ADMINISTRATOR MINUTES**  
**100 Civic Center Drive, Newport Beach**  
**Corona del Mar Conference Room (Bay E-1st Floor)**  
**Thursday, September 12, 2013**  
**REGULAR HEARING**  
**3:30 p.m.**

**A. CALL TO ORDER** – The meeting was called to order at 3:30 p.m.

Staff Present: Patrick Alford, Zoning Administrator  
Makana Nova, Assistant Planner  
Jason Van Patten, Planning Technician

**B. MINUTES** of August 15, 2013

**Action:** Continued to September 26, 2013

**C. MINUTES** of August 29, 2013

**Action:** Approved

**D. PUBLIC HEARING ITEMS**

**ITEM NO. 1 Mitchell Residence Condominium Conversion No. CC2013-001 and Parcel Map No. NP2013-015 (PA2013-126)**  
**512 and 512 ½ Avocado Avenue** **CD 6**

Makana Nova, Assistant Planner, provided a brief project description stating that the applicant has waited five years, from the date building permits were finalized for the duplex, for the tentative parcel map to be exempt from park and housing in-lieu fees, required under Title 19, for the addition of one dwelling unit. Ms. Nova stated that written comments had been submitted by Mr. Jim Mosher, a Newport Beach resident, and addressed several of his comments in her presentation. She stated that the CEQA exemption suggested by Mr. Mosher for the project is appropriate, that the City does not consider parcel maps for condominium conversions to be "development" and thus, the City does not send these applications to the California Coastal Commission for their review. Finally, Ms. Nova clarified that while many of the conditions of approval mention construction related improvements, the majority of this work identified was completed at the time the original duplex was constructed and that the conditions remain in place for the Public Works Department to verify prior to recordation of the Parcel Map.

Applicants, Mr. Richard Mitchell and Mrs. Jeanne Mitchell, property owners, stated that they had reviewed the draft resolution and the required conditions.

The Zoning Administrator opened the public hearing.

One member of the public, Jim Mosher, spoke and stated that many similar condominium conversion applications have been approved. He then inquired about Finding H of the draft resolution, which references a balance and dispersion of housing types in the City. Mr. Mosher asked if the R-2 Zoning District specifies a particular mix of duplex and condominium ownership in the General Plan.

There were no other public comments.

The Zoning Administrator clarified for Mr. Mosher that the Housing Element requires the City to provide for a variety of housing opportunities and that the R-2 Zoning District does not require a particular mix of rental and ownership dwelling units. The Zoning Administrator noted additional clarifying language to be included in the final resolution and then took action approving Condominium Conversion No. CC2013-001 and Parcel Map No. NP2013-015.

**Action:** Approved

**ITEM NO. 2      Sessions Sandwiches - Minor Use Permit No. UP2013-012 (PA2013-142)  
2823 Newport Boulevard****CD 1**

Jason Van Patten, Planning Technician, provided a brief project description stating that the minor use permit requested was to allow for the operation of a new food service establishment called Sessions Sandwiches. He stated that the project included 523 square feet of net public area, seating for 31, and noted that the hours proposed were from 6:00 a.m. to 11:00 p.m. daily, with no alcohol service, and no late hours requested. Mr. Van Patten also provided a brief description of interior and exterior improvements proposed for the project site and discussed the parking requirement for the food service use. He noted that the new use would not intensify the parking beyond what was required for the previous use and no additional parking was required. He further clarified written comments from the public regarding the parking requirement, the existing trash enclosure, the proposed hours of operation, and a grammatical error in the draft resolution.

The Zoning Administrator noted that an email was received from Ms. JoAnn Bracken, who questioned the proposed hours of operation. He then opened the public hearing.

Applicant Matt Meddock of Sessions Sandwiches introduced himself and stated that he had reviewed the draft resolution and the required conditions. He commented on improvements proposed for the existing trash enclosure and added that the establishment would likely close at 10:00 p.m. but that the proposed hours were to allow for flexibility in the operation of the business.

The Zoning Administrator asked Mr. Meddock if he was comfortable with the condition in the draft resolution that prohibited deliveries prior to 8:00 a.m. Mr. Meddock stated that he would prefer earlier deliveries be allowed. The Zoning Administrator retained the condition noting that he would rather not deviate from standard practice.

One member of the public, Brian Park, spoke and commented on concerns he had. He stated that he was concerned about the closing hour proposed, increased activity and crowds, congregation of inebriated patrons, trash, noise, and availability of parking.

The Zoning Administrator inquired with Mr. Park whether he was aware that no alcohol service was proposed, and what action he would like to see taken. Mr. Park indicated that he preferred the closing hour be 10:00 p.m. A discussion ensued between Zoning Administrator Alford and Mr. Park regarding the closing hour of the proposed establishment and general activity in the area.

A second member of the public, Jim Mosher, spoke and stated that he had two comments. First, he felt that the parking analysis should take a more critical look at parking demand for the overall site. Second, he questioned whether the trash enclosure was required to have a solid lid.

Mr. Meddock responded that it would be difficult to open the trash bin lids if required to have a cover over the enclosure. Mr. Van Patten added that the enclosure was not conditioned to have a lid.

A third member of the public, Craig Batley, introduced himself and stated that it would be unattractive to require a lid.

Mr. Van Patten clarified that it was an existing trash enclosure being modified and not a new enclosure.

Mr. Batley further commented that the proposed establishment would not contribute to crowds, that the street and municipal parking lot to the west separated residential uses from the establishment, and felt there would be less trash.

Additional comments were provided by Mr. Park regarding trash and the closing hour. Mr. Meddock further clarified for Zoning Administrator Alford that the interior of the establishment would show videos and play music.

There were no other public comments.

The Zoning Administrator determined that the proposed closing hour of 11:00 p.m. was reasonable, the applicant needed to be given an opportunity to establish his business, and that the new business would assist in policing the area. The Zoning Administrator directed staff to incorporate a condition that requires the applicant to take reasonable steps to prevent interior noise from impacting surrounding residential uses. The Zoning Administrator then took action and approved Minor Use Permit No. UP2013-142.

**Action:** Approved

#### **E. PUBLIC COMMENTS ON NON-AGENDA ITEMS**

A member of the public, Mr. Jim Mosher, commented that Condition of Approval No. 6 of Item No. 2 was discussed at a prior meeting with a decision to exclude this condition, stated he thought the condition should be kept, and that each applicant should be treated equally. In response to Mr. Mosher's comments the Zoning Administrator stated that he agreed that the standard conditions should be applied consistently and stated that staff would look into the matter.

#### **F. ADJOURNMENT**

The hearing was adjourned at 4:30 p.m.

**The agenda for the Zoning Administrator Hearing was posted on September 5, 2013, at 5:00 p.m. in the Chambers binder and on the digital display board located inside the vestibule of the Council Chambers at 100 Civic Center Drive and on the City's website on September 5, 2013, at 5:15 p.m.**

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Patrick Alford, Zoning Administrator